

REMARKS

This application has been carefully reviewed in light of the Office Action dated October 9, 2007. Claims 1, 5, 6, 8 to 11 and 15 remain in the application, with Claims 2 to 4, 7, 12 to 14 and 16 to 43 having been canceled. Claims 1, 5, 11 and 15 are the independent claims. Reconsideration and further examination are respectfully requested.

Claims 24 to 43 were withdrawn from further consideration due to a restriction requirement. So as to obtain the earliest possible allowance of the subject application, Claims 24 to 63 have been cancelled herein.

Title of the invention was objected to. A new title has been provided for as recited above. Reconsideration and withdrawal of the objection to the title are requested.

Claim 18 was objected to and the objection is traversed. The Office Action indicates that the term “an area when the element is displayed” in the claims should read “an area *where* the element is displayed”. However, the forgoing interpretation is misplaced in that it limits the claims to the “location” of the element on a display, whereas the claims are not to be so limited and may include both the “location” of the element on the display, as well as the “size” of the element on the display. Therefore, the objection is traversed and reconsideration and withdrawal of the objection are respectfully requested.

Claims 1, 2, 4 to 9, 11, 12, 14 to 19 and 21 to 23 were rejected under 35 U.S.C. § 102(e) over U.S. Publication No. 2005/0015801 (Hososda), Claims 3 and 13 were rejected under 35 U.S.C. § 103(a) over Hososda in view of U.S. Publication No. 2003/0110514 (West), and Claims 10 and 20 were rejected under § 103(a) over Hososda in view of Official Notice. The rejections are respectfully traversed and the Examiner is

requested to reconsider and withdraw the rejections in light of the following comments.

Initially, it is noted that the cited U.S. publication to Hososda is not prior art to the present application. In this regard, the cited publication to Hososda is for U.S. Application No. 10/480,222. The '222 application is based on a PCT application (PCT/JP02/05962) filed on June 14, 2002. Thus, in order for the U.S. publication to Hososda to have a § 102(e) date, it must have been published in English. However, Applicant notes that the PCT publication corresponding to Hososda (WO 02/104029) was published in Japanese. Therefore, the cited U.S. publication to Hososda does not have a § 102(e) date and is only affective as a reference against the present application as of its publication date (January 20, 2005). Accordingly, the cited U.S. publication to Hososda is not prior art to the subject application. The Examiner is requested to remove the U.S. publication as a reference against the subject application and to withdraw all of the prior art rejections.

Applicant notes however, that the PCT publication to Hososda may be considered as prior art to the subject application. Inasmuch as that publication has not yet been made formally of record in this application, Applicant is filing concurrently herewith an Information Disclosure Statement to cite that reference. Additionally, since Applicant only first became aware of the PCT publication to Hososda based on the citation of the U.S. publication to Hososda in the present Office Action, the Information Disclosure Statement is being filed with the statement under 37 C.F.R. § 1.97(e).

Applicant also submits that the presently-claimed invention is nonetheless allowable over Hososda (referring to the PCT publication). In this regard, the present invention according to claim 1 relates to processing for displaying digital broadcasting

data. The invention is based on the premise that the broadcasting data to be displayed is described using a markup language, and includes first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags. In the invention, when key-input first or second signals are received, a switching unit switches a selection of an element between the first hierarchical level elements or between the second hierarchical level elements when the first signal is received, and switches a selection of an element between the first and second hierarchical level elements when the second signal is received.

With specific reference to the claims, Claim 1 is directed to an information processing apparatus, comprising a first receiving unit constructed to receive digital broadcasting data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, a display unit constructed to display the received digital broadcasting data on a display device, a second receiving unit constructed to receive, from a remote controller, key-input first or second signals, and a switching unit constructed to switch a selection of an element between the first hierarchical level elements or between the second hierarchical level elements when the first signal is received by the second receiving unit, and switching a selection of an element between the first and second hierarchical level elements when the second signal is received by the second receiving unit.

Claim 11 is a method claim that substantially corresponds to Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 1 and 11, and in particular, is not seen to

disclose or to suggest at least the features of receiving, from a remote controller, key-input first or second signals, and switching a selection of an element between first hierarchical level elements delimited by predetermined tags or between second hierarchical level elements which belong to a range delimited by the predetermined tags when the first signal is received, and switching a selection of an element between the first and second hierarchical level elements when the second signal is received.

Hososda is not based on the premise that broadcasting data to be displayed includes elements placed in a hierarchy using predetermined tags. The Office Action asserts that the stored list area A1 described in Fig. 6 of Hososda corresponds to the first hierarchical level elements and the checkbox area A2 described in Fig. 6 of Hososda corresponds to the second hierarchical level elements. However, there is no hierarchical relationship between the stored list area A1 and the checkbox area A2 as shown in Fig. 8 of Hososda. Moreover, elements of checkbox area A2 are never described using in markup language. Accordingly, it is clear that Hososda fails to disclose the above premise.

The present invention according to claim 5 is characterized in that an information amount contained in each of the plurality of elements is identified and, when a signal is received, selection between the plurality of elements is switched on the basis of the identified information amount.

Specifically, Claim 5 is directed to an information processing apparatus, comprising a first receiving unit constructed to receive digital broadcasting data described in a markup language and including a plurality of elements delimited by predetermined tags, a display unit constructed to display the received digital broadcast data on a display device, an identifying unit constructed to identify an information amount contained in each

of the plurality of elements, a second receiving unit constructed to receive a key-input signal from a remote controller; and a switching unit constructed to, when the signal is received by the second receiving unit, switch a selection of an element between the plurality of elements on the basis of the information amount of each element identified by the identifying unit.

Claim 15 is a method claim that substantially corresponds to Claim 5.

The applied art is not seen to teach the features of Claims 5 and 15, and in particular, is not seen to disclose or to suggest at least the features of identifying an information amount contained in each of a plurality of elements, receiving a key-input signal from a remote controller; and switching, when the signal is received, to a selection of an element between the plurality of elements on the basis of the information amount of each element identified by the identifying unit.

In contrast, Hososda fails to disclose the identification of an information amount contained in each of the plurality of elements. Further, Hososda fails to disclose that selection between the plurality of elements is switched on the basis of the identified information amount.

In view of the foregoing amendments and remarks, Claims 1, 5, 11 and 15, as well as the claims dependent therefrom, are believed to be allowable.

As a formal matter, Applicant requests that the Examiner return an initialed Form PTO-1449 for the November 7, 2005 Information Disclosure Statement. Applicant also requests that the Examiner consider the Supplemental IDS filed on October 9, 2007 by including an indication in the next communication that the translation for the Japanese document cited in the September 27, 2007 IDS has been received.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Edward Kmett/

Edward A. Kmett
Attorney for Applicants
Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FGHS_WS 1846679v1